

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-20, drawn to polymers and a process for making the polymers.

Group II, claim(s) 21-35, drawn to a different process for treating polymers.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the process of Group II is not involved in making the polymers of Group I which rely on their functionality and molecular weight distribution for patentability.

3. During a telephone conversation with Joseph L. Kent, Esq. on 18 March 2010 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-20. Affirmation of this election must be made by applicant in replying to this Office action. Claims 21-35 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

#### **EXAMINER'S AMENDMENT**

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph L. Kent, Esq. on 18 March 2010.

The application has been amended as follows: Claims 21-35, to non-elected invention(s), have been cancelled. Applicants authorized cancellation of these claims while reserving all rights to file divisional application(s) to the subject matter therein.

Claims 1 and 19 have been amended by putting a period at the end of each of the claims

#### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance: although the treatment of polymers to incorporate the required vinyltetrazole functionality as claimed is, in fact, taught in the closest prior art as cited, the use of base polymers form controlled polymerization to produce functionalized polymers with a very low molecular weight distribution is neither taught nor rendered prima facie obvious to one of ordinary skill in the art from the closest prior art as cited. Applicants' claims are, therefore, both novel and unobvious over the closest prior art as cited.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard Lipman whose telephone number is 571-272-1105. The examiner can normally be reached on 8-5 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bernard Lipman/  
Primary Examiner  
Art Unit 1796

BL/hs

Application/Control Number: 10/591,425  
Art Unit: 1796

Page 5